

Appl. No. : 10/618,900
Filed : July 14, 2003

REMARKS

Claim 1 has been amended to clarify the invention. The word “unevenly” has been deleted because the word is confusing and unclear as the recitation with the word may be interpreted to mean that pores in the vicinity of its periphery are unevenly distributed, and this interpretation is inconsistent with Fig. 2A, for example. No new matter is included and no new issues are raised in the amendment. Applicant respectfully requests entry of the amendments and reconsideration of the application in view of the amendments and the following remarks.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 1-11 and 22-24 have been rejected under 35 U.S.C. § 112, second paragraph, because there is insufficient antecedent basis for the limitation “said upper surface” recited in Claim 1. The limitation has been corrected to “said vaporization surface,” thereby obviating this rejection.

Rejection of Claims 1-7, 9-11, and 22-24 Under 35 U.S.C. § 103

Claims 1-7, 9-11, and 22-24 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,447,568 (Hayakawa) and US 5,785,796 (Lee) in view of Vincent US 20030019428A1 (Ku). Claim 1 is independent. Applicant respectfully traverses this rejection.

The Examiner asserts: “Ku teaches an upper plate (34; Figure 1) with conical surfaces (60, 62, 71; Figure 1).

However, contrary to the Examiner’s assertion, Ku does not teach conical surfaces. Numerals 60, 62 in Ku are “passages that extend radially from the center axis of the dispersion plate 34” (paragraph [0046] on page 4) and Figures 1 and 4 clearly show that passages 60, 62 are bores or holes (Figure 1 shows circles indicating cross sections of the passages 60, 62 in the entrance 58). In Ku, a conical surface is imaginarily created by the Examiner and does not exist. In contrast, in Claim 1, the vaporization surface is formed in a convex shape having a center under the orifice. Further, as the Examiner admits, Hayakawa and Lee do not teach the above feature.

Thus, even if the teachings of Hayakawa, Lee, and Ku are combined, the combination could not render Claim 1 obvious.

Further, none of Hayakawa, Lee, and Ku uses teaches an evaporation plate disposed in the space between the ceiling of the reaction chamber and the shower plate. As recited in Claim 1, the

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evaporation plate is for vaporizing the liquid raw material which flows on the vaporization surface. However, as the Examiner points out, "if the prior art structure is capable of performing the intended use, then it meets the claim." Here, Hayakawa, Lee, and Ku each teaches a gas-recitifying plate (although referred to as a "recitifying plate (3306)" in Hayakawa, "partition plate (94)" in Lee, "dispersion plate (34)" in Ku) through which a gas (not a liquid) passes. It is common technological knowledge in the art that a liquid material cannot be introduced directly into a gas-recitifying plate, and no liquid material could be used by causing the liquid material to flow on a surface of the gas-recitifying plate, and further none of ordinary skill in the art would refer to the gas-recitifying plate as "an evaporation plate". Thus, it could not reasonably be stated that the prior art plate is capable of performing vaporizing a liquid raw material which flows on a surface of the plate.

In view of the foregoing, Claim 1 could not be obvious over the above references, and at least for this reason, the remaining dependent claims also could not be obvious. Applicant respectfully requests withdrawal of this rejection.

Rejection of Claim 8 Under 35 U.S.C. § 103

Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayakawa, Lee, Ku in view of Strang. Claim 8 depends from Claim 1. Strang is irrelevant to the features of Claim 1. Thus, a combination of the above references could not render Claim 1 obvious, and at least for this reason, Claim 8 also could not be obvious. Applicant respectfully requests withdrawal of this rejection.

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CONCLUSION

In light of the Applicant's amendments to the claims and the foregoing Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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